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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,308	08/31/2001	Steve Craig Betz	PU010158	2165

7590 06/20/2005

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EXAMINER

PWU, JEFFREY C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,308

Applicant(s)

BETZ ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson et al. (U.S. 6,134,605).

With respect to claims 1-15

Hudson et al. disclose a modem (114), comprising:

- first interface circuitry adapted to provide data transfer between a host device and a network; (114, 110; "While subsystem 114 is generic, containing circuitry that can be used to support almost any signal processing function, the module 120 contains circuitry specific to a function to be performed. Module 120 can generally be thought of as interface circuitry to an external communication signal delivery media, which may include in various embodiments interface circuitry to a wide area network, (in the case of a modem)" – col.5, lines 18-24)
- second interface circuitry adapted to provide data transfer between a memory device and at least one of said host device and said network (116, 110), the second interface circuitry including an external connection portion for externally and detachably

connecting the memory device (116 or 124) to the modem for uploading and downloading data to at least one of the host and the network. (col.2, line 63-col.3, line 4; col.4, lines 63-67; col.5, lines 18-25, 37-44, 50-64; col.7, lines 7-15)

- wherein said network comprises one of a digital cable network and a digital subscriber line (DSL) network. (col.5, lines 59-65)

- wherein said second interface circuitry is adapted to determine a type of memory device coupled thereto. (116)

- in response to a default data transfer condition, data is transferred between said memory device and at least one of said host device and a computer communicating with said network. (fig.1)

- wherein said memory device is associated with an audio player and, in response to a default data transfer condition, audio data is transferred to said memory device from at least one of said host device and a computer communicating with said network. (col.5, lines 34-48)

- wherein said memory device is associated with an imaging device and, in response to a default data transfer condition, image data is transferred from said memory device to at least one of said host device and a computer communicating with said network.

(col.5, lines 34-48; "a display screen")

- wherein said second interface circuitry is adapted to receive a smart card with integrated memory. (col.14, line 10)
- wherein said second interface is adapted to receive a compact FLASH memory card. (116)
- wherein a data bus of a first type is used to communicate data between said memory device and said modem, and a data bus of a second type is used to communicate data between said host device and said modem. (116, 114, 120, 110)
- wherein said memory device has stored therein a program, said second interface circuitry being adapted to responsively transfer said program to said modem for execution. (116, 114, 120, 110)
- wherein said program stored in said memory device is compressed, said modem decompressing said program prior to executing said program. (it is inherent program stored in said memory device being compressed)
- wherein: said modem, operating as a universal serial bus (USB) hub, transfers data between said memory device and said host device via a USB communications path. (col.14, lines 10-15)

- wherein: said modem, enables said memory device to be accessed by said host device via at least one of an Ethernet communications link and a universal serial bus (USB) communications link. (col.14, lines 10-15)

Claims 14-23 (method and apparatus claims) are similarly rejected as in claims 1-13.

Response to Arguments

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 10, 2005

JEFFREY PWU
PRIMARY EXAMINER